

**REMARKS**

Claims 1-22 are pending in the application.

**1. § 112 Claim Rejections**

Claims 8 and 12 stand rejected as indefinite. Applicant has amended these claims to remove the indefiniteness and believes the claims as amended meet the requirements of § 112.

**2. § 102(b) Rejection over U.S. Patent No. 4,044,857 to Guerette and 102(b) Rejection over U.S. Patent No. 1,439,388 to Willett**

Independent claims 1, 11, 19 and 22 have been rejected as being anticipated by either Guerette or Willett.

Applicant requests that the Examiner reconsider claims 1 and 11 in view of the amendment made herein. Applicant has amended the claims so that the support is of adjustable length. Neither Guerette or Willett has teaches or suggest a support of adjustable length. Likewise claims 19 and 22 each include a support of adjustable length and are therefore allowable without amendment.

The Examiner has also cited for purposes of a § 103(a) rejection of claims 14 to 16, U.S. Patent 6,189,653 to Laug. First, Laug is directed towards scaffolding for use on uneven surfaces. Since scaffolding is generally disassembled when not in use there is no suggestion or motivation to combine the adjustable length support in Laug with a folding ladder. The purpose of the adjustable length support in Laug is to adapt the scaffolding to uneven surfaces NOT to allow the scaffolding to be folded. In addition Laug does not teach or suggest a scaffold that can stand in the folded or unfolded position, provide support in the folded or unfolded position, or can be adjusted to be approximately the same length as the stairway section.

Claim 1 as amended includes a support of adjustable length and a ladder that can stand in the folded and unfolded position. This is neither taught or suggested by Guerette, Willeett or Laug, or any combination of these references, or any of the other references cited by the Examiner.

Claim 11 as amended includes a support of adjustable length wherein the support provides support in both the folded and unfolded position. This is neither taught or suggested by Guerette, Willeett or Laug, or any combination of these references, or any of the other references cited by the Examiner.

Claims 19 and 22 include a support of adjustable length wherein the support is adjusted to be the same length as the stairway section. This is neither taught or suggested by Guerette, Willeett or Laug, or any combination of these references, or any of the other references cited by the Examiner.

**3. Rejection of Dependent Claims**

Dependent claims 2-10 and 12-18 stand rejected based on §102(b) and/or § 103(a). Applicant believes that based on the amendments to claims 1 and 11 and the arguments set forth above, these dependent claims are now allowable.

Dependent claims 20 and 21 rejected based on §102(b) and/or § 103(a). Applicant submits that since claim 19 is allowable as argued above, these dependent claims are allowable as well.

**4. Non-substantive Claim amendments**

Claims 15, 19 and 22 have been amended to correct typographical errors.

\*\*\*\*\*

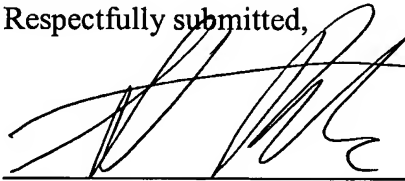
It is respectfully submitted that all claims in the application are allowable.

Reconsideration and withdrawal of all rejections are respectfully requested. Favorable notice to this effect and early Notice of Allowance are earnestly solicited.

Should the examiner have any questions and in order to expedite prosecution of this Application, the Examiner is encouraged to contact the undersigned directly.

**Please note the new contact information below for Attorney for the Applicant.** The Attorney listed below was named in the original power of attorney for this application. A *Change of Correspondence Address* is enclosed with this Response, which applicant requests the Examiner to enter.

Respectfully submitted,



Date: November 12, 2004

Stuart D. Rudoler, Reg. No. 45,059  
Attorney for Applicant  
Stuart Rudoler LLC  
Suite 300  
2 Bala Plaza  
Bala Cynwyd, PA 19004  
Tel: 610-660-7753  
Fax: 267-200-0796